



### **Public Interest Showing**

The public interest would be served through KEPG's upgrade. George West, a community with a 2000 population of 2524, currently has three FM assignments, including a Class C3 facility, but none of the three allotments is occupied or even applied for. Further, George West receives city-grade service from KXRB, Channel 252C2, Beeville, Texas. Allocation Statement, p. 2. A construction permit was issued for Channel 281A at George West (later changed to Channel 265A), but that permit (File No. BPH-19940207MA) expired on December 21, 2000 with no station having been constructed.

Presumably, all three of the unoccupied, unapplied-for allocations at George West' will be made available for auction at some date in the distant future. At the conclusion of such auctions--if **all** three allocations were to draw bids--the permittees would have three years to construct. Given (a) the small size of the community, (b) the fact a Class A station at the Channel 265A reference coordinates would provide 60 dBu service to a population of only 9353 persons (Allocations Statement, p. 2), (c) Channel 265A is one of three available frequencies, and (d) the Commission's FM auctions have been indefinitely postponed: it is unlikely that either a viable bidder would emerge or, if such a bidder ultimately appears, that a station on that channel would be constructed at George West in the foreseeable future. This conclusion is borne out by the expiration of the previous (and only) George West construction permit.

In contrast to this delay and uncertainty, KEPG would make use of the available spectrum to provide improved service to the public immediately. Indeed, if Channel 265 is

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<sup>1</sup> Channel 228C3 was allotted to George West effective March 2, 1998, and Channel 292A **was** allocated effective **August** 19, 2002. *Allocation Statement*, p.2.

<sup>2</sup> *See* Public Notice, DA-01-2148 ("FM Auction No. 37 Postponed"), released September 14, 2001

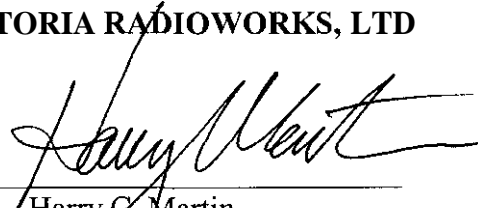
upgraded from Class A to Class C3 as requested, KEPG will file an application for the new channel and, upon grant, expeditiously construct the new Class C3 facility. The attachment statement shows that the upgrade would result in an 87 percent increase in the area served and a 10 percent increase in 60 dBu service population, representing an additional 9226 persons.

**WHEREFORE,** It is respectfully requested that the Commission amend the FM Table Allotments as requested above and modify the license of Station KEPG, Victoria, Texas, to specify operations on Channel 265C3 in lieu of Channel 265A.

Respectfully requested,

**VICTORIA RADIOWORKS, LTD**

By

  
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Harry C. Martin  
Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, VA 22209  
703-812-0400

January 30, 2003

## **ALLOCATION STATEMENT**

This statement is prepared on behalf of Victoria RadioWorks, Ltd. This is a proposal to provide an upgrade on Channel 265 from Class A to Class C3 for Station KEPG, Victoria, Texas, by deleting one of three unused and unapplied for allocations in George West, Texas. This proposal may be summarized as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Victoria, Texas	222A, 236C3, 254C1, 300C1, 265A	222A, 236C3, 254C1, 300C1, 265C3
George West, Texas	228C3, 292A, 265A	228C3, 292A

### **Victoria, Texas, Channel 265C3**

The proposed reference coordinates for Victoria Channel 265A are 28°46'40" North, 97°04'10" West. Exhibit A is an allocation study of this reference site as Class C3. As shown in Exhibit B, this reference site is 9.5 kilometers west of Victoria, Texas, where the entire city of Victoria will be served with the 70-dBμ contour *as* required by §73.315(a) and §73.315(b) of the FCC Rules. This demonstrates compliance with all requirements as set forth in §73.207 of the FCC Rules, except for the mutually exclusive allocation in George West.

Using these reference coordinates, the coverage from this proposed site was calculated according to 573.313 of the Rules. The 60-dBμ (1 mV/m) contour will encompass 4,530 square kilometers of land area and 92,770 persons. The current licensed facility serves 2,110 square kilometers and 83,544 persons. This represents an 87% increase in area and 10% increase in population served by Station

KEPG.

Deletion of Channel 265A, George West, Texas

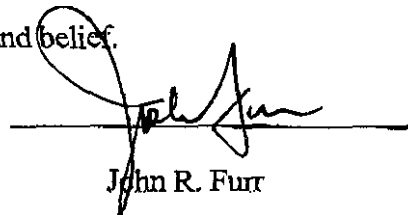
**This** proposal will **permit** an immediate increase in the service **area** of KEPG by 2,420 square kilometers **and** add 9,226 additional **persons** within the service area. The 60-dBμ area and population that **theoretically** would be served if Channel 265A were activated **at** George West, using the reference coordinates for **the** allocation, would be **2034** square kilometers and 9,953 persons.

George West has three channels that are unused. **A** construction permit was issued for Channel 281A at George West, which was allocated **effective** September 19, 1888. The allocation **was** later was **modified** to specify Channel 265A (File No. BPH-19940207MA), but the permittee failed to construct, resulting in expiration of **the** permit on December 21, 2000. Channels 228C3 and 292A were allocated to George West effective March 2, 1998 and August 19, 2002, **respectively**, but neither of these channels has been activated either. Additionally, Station KXRB, 250C2, which operates 14 kilometers away at Beeville, Texas, provides city grade service to George West.

George West, Texas had a 2000 population of 2,524 persons.

I, John R. Furr, **am** a **Communications** Consultant and I represent Victoria Radio Works, Ltd. My qualifications **are** a matter of record with the Commission. All statements **made** herein are true and correct to the best of my knowledge and belief.

January 29, 2003



John R. Furr

# Victoria RadioWorks Ltd., Victoria, Texas

## Exhibit A - Victoria Allocation Study

FM Study for: KEPG                      FCC Database Date: 1/10/2003                      28-46-40  
Location: VICTORIA, TX                      Channel Class: 'C3                      97-04-10

Call Status	City, State Proponent	Chan Class File Number	Freq HAAT	kW	Latitude Longitude	Dist. Azim.	Required Clear (km)	
----->>>>>>> Study For Channel 265 100.9 MHz <<<<<<<<-----								
ALLOC VAC	VICTORIA, TX Fac. NO. 30147	265 C3 -19840828IA	100.9	0	28-46-40 97-04-10	0.0 0.0	153 -153.0	SHORT
KEPG LIC	VICTORIA, TX Fac. NO. 74362	265 A BLH-20000503AAI	100.9	6.00 83	28-47-20 97-03-00	2.3 57.0	142 -139.7	SHORT
ALLOC RSV	GEORGE WEST, TX	265 A RM-9773	100.9	0	28-24-26 98-10-05	115.0 249.3	142 -27.0	SHORT
KLLO LIC	HOUSTON, TX Fac. No. 35073	266 C BLH-19831025AB	101.1	95.0 585	29-34-34 95-30-36	175.61 59.4	176 -0.33	CLOSE
ALLOCR ADD	PALACIOS, TX	264 A RM-9848	100.7	0	28-36-30 96-09-58	90.24 101.8	89 +1.24	CLOSE
KASEFM LIC	AUSTIN, TX Fac. NO. 35849	264 C BLH-19820628AN	100.7	100. 363	30-19-10 97-48-06	185.0 337.6	176 +9.0	CLOSE
ALLOC VAC	REFUGIO, TX Fac. No. 95781	263 A Docket-1998-165	100.5	0	28-21-00 97-16-30	51.5 203.0	42 +9.5	CLOSE
KNCN LIC	SINTON, TX Fac. No. 67186	267 C1 BMLH-575	101.3	100. 110	27-55-24 97-25-26	100.9 200.2	76 +24.9	CLEAR
KONOFM LIC	HELOTES, TX Fac. NO. 50030	266 C1 BMLH-20001010ACP	101.1	96.0 302	29-31-25 98-43-25	180.9 297.6	144 +36.9	CLEAR

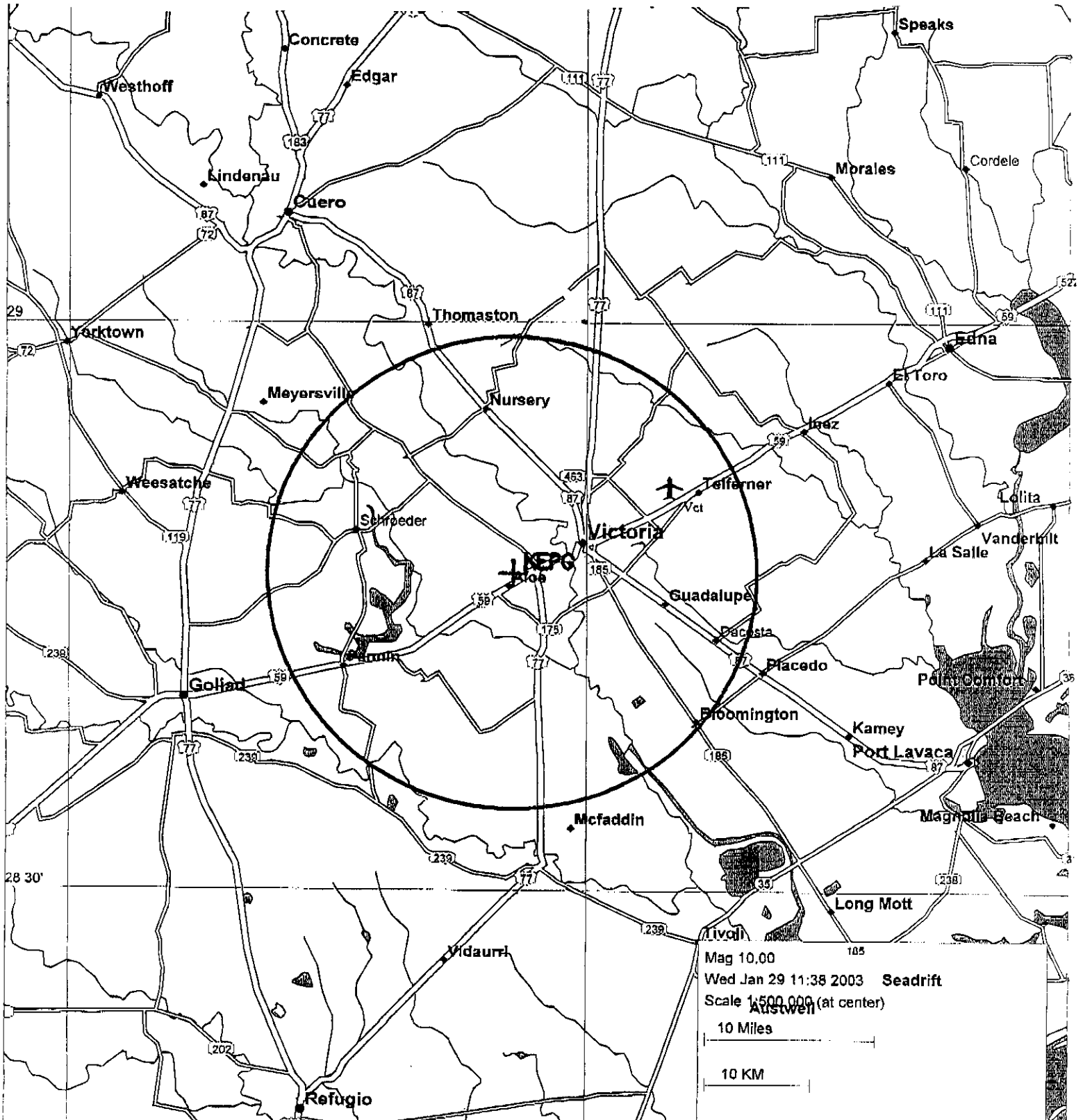
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**Victoria RadioWorks Ltd. Victoria, Texas**

**Exhibit B – Victoria City Coverage**

# Victoria RadioWorks Ltd. Victoria, Texas

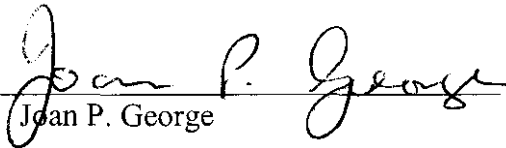
## Exhibit B - Victoria City Coverage



**CERTIFICATE OF SERVICE**

I, Joan P. George, a secretary in the law ~~firm~~ of Fletcher, Heald & Hildreth, do hereby certify that *a* true copy of the foregoing *Petition for Rule Making* was, on this 30<sup>th</sup> day of January 2003, delivered by hand on the following:

John A. Karousos  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, SW, Room 2-A266  
Washington, D.C. 20554

  
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Joan P. George